

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

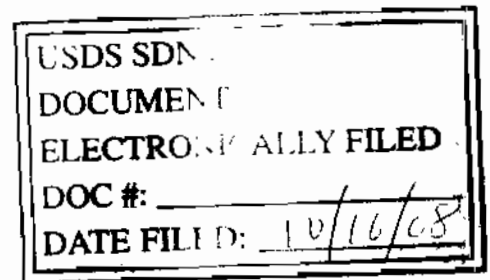
-against-

95 Crim. 1050 (LAK)

ERIC DICKS,

Defendant.
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ORDER



LEWIS A. KAPLAN, *District Judge*.

Defendant was convicted in this Court of conspiracy, armed robbery and money laundering and, on April 17, 1997, sentenced principally to a term of imprisonment of 210 months. The judgment was affirmed by the Court of Appeals in *United States v. Dicks*, 159 F.3d 1348 (2d Cir. 1998) (table). He then sought relief under 28 U.S.C. § 2255, but the application was denied. *Dicks v. United States*, No. 99 Civ. 3494 (JSM), 2000 WL 264317 (S.D.N.Y. Mar. 8, 2000). An appeal from that decision was dismissed by the Second Circuit, and certiorari was denied. An application to the Second Circuit for leave to file a second or successive motion for relief pursuant to Section 2255 was denied in June 2005. Defendant now petitions for an order modifying his term of imprisonment pursuant to 18 U.S.C. § 3582(c) and Amendment 599 to U.S.S.G. §§ 1B1.3, 2K2.4.

The government is directed to respond to the application on or before November 17, 2008.

SO ORDERED.

Dated: October 16, 2008

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan".

Lewis A. Kaplan
United States District Judge